

IFJ

DOCKET NO. EMIC01-00003

PATENT

Customer No. 23990



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of : Keith C. Bottner, et al

Serial No. : 10/677,827

Filed : October 2, 2003

For : SECURE, ANONYMOUS AUTHENTICATION FOR ELECTRONIC PURCHASING WITH DYNAMIC DETERMINATION OF PAYMENT PRICING AND TERMS AND CROSS VENDOR TRANSACTION RESOLUTION

Group No. : 3627

Examiner : Ramsey Refai

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement; and
2. A postcard receipt

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 20, 2008.

Date: 6/20/08

Date: 6-20-2008

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**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed May 20, 2008, Applicants provisionally elect "Invention I," claims 1-10 and 13-18, WITH TRAVERSE.

The Restriction Requirement categorizes the pending claims as "Invention I" (claims 1-10 and 13-18), "Invention II" (claims 11 and 19) and "Invention III" (claims 12 and 20). The Restriction Requirement asserts that these different groups of claims are related as sub-combinations disclosed as usable together in a single combination, and further asserts that the sub-combinations

do not overlap and are separately usable. Specifically, the Restriction Requirement asserts that limitation “dynamically determines a payment amount for the electronic sales transaction from a pricing and terms policy defined by each of the one or more vendors” defines a limitation not required by sub-combinations I and III. This is incorrect, since essentially the same limitation is found in claim 9 of the claims of “Invention I.” The Restriction Requirement also asserts that the limitation “resolv[ing] a payment from the customer for the electronic sales transaction across the contract vendor and each of the one or more supplying vendors transparently to the customer” defines a limitation not required by sub-combinations I and II. This is incorrect, since essentially the same limitation is found in claim 10 of the claims of “Invention I.”

The Restriction Requirement further contends that the limitation “wherein the vendor transaction requests from the one or more vendor systems do not include personal billing information for the customer” requires that the claims of “Invention I” be classified in:

- CLASS 705 DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT,  
OR COST/PRICE DETERMINATION
- 1 AUTOMATED ELECTRICAL FINANCIAL OR BUSINESS PRACTICE OR  
MANAGEMENT ARRANGEMENT:
- 16 . Including point of sale terminal or electronic cash register:
- 21 .. Interconnection or interaction of plural electronic cash registers(ECRs) or to host  
computer (e.g., network detail, transfer of information from host to ECR or from  
ECR to ECR, etc.):

The Restriction Requirement also contends that the limitation “dynamically determining a payment amount from the customer to one or more vendors for the electronic sales transaction from a pricing and terms defined by each of the one or more vendors” requires that the claims of “Invention II” be classified in:

CLASS 705 DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT,  
OR COST/PRICE DETERMINATION  
1 AUTOMATED ELECTRICAL FINANCIAL OR BUSINESS PRACTICE OR  
MANAGEMENT ARRANGEMENT:  
16 . Including point of sale terminal or electronic cash register:  
20 .. Price look-up processing (e.g., updating):

The Restriction Requirement still further contends that the limitation “resolving a payment from the customer for the electronic sales transaction across the contact vendor and each of the one or more supplying vendors transparently to the customer” requires that the claims of “Invention III” be classified in:

CLASS 705 DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE, MANAGEMENT,  
OR COST/PRICE DETERMINATION  
50 BUSINESS PROCESSING USING CRYPTOGRAPHY:  
64 . Secure transaction (e.g., EFT/POS)

However, at least resolving payment transparently to a customer has no relation to transaction security. It is therefore apparent that the classification is artificial, for the purposes of manufacturing a grounds for restriction, and is therefore arbitrary and capricious.

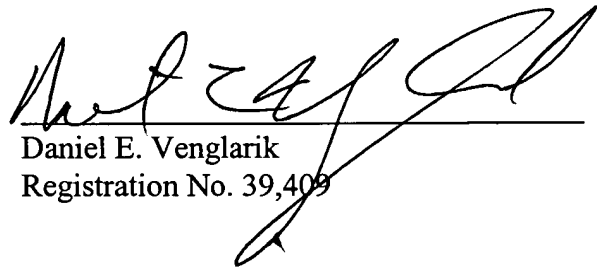
If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *[dvenglarik@munckcarter.com](mailto:dvenglarik@munckcarter.com)*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, P.C.

Date: 5-20-2008

  
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